Remarks/Arguments

35 U.S.C. §103

Claims 1-5, 7-8, 10-19, and 21, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kendall (U.S. Patent No. 2006/0156332 A1), in view of Ganzer et al. (U.S. Patent No. 5, 121,430), in view of Minagawa (U.S. Patent No. 7,218,976 B2), in view of Duruoz et al. (U.S. Patent No. 6,654,539 B1), hereinafter referred to as Kendall, Ganzer, Minagawa, and Duruoz.

Claims 6, 9, and 20, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kendall (U.S. Patent No. 2006/0156332 A1), in view of Ganzer et al. (U.S. Patent No. 5, 121,430), in view of Kennedy (U.S. Patent No. 5,369,432), hereinafter referred to as Kendall, Ganzer, and Kennedy.

It is respectfully asserted that Kendall, Ganzer, Minagawa, Duruoz, and Kennedy, alone or in combination, fail to disclose:

> "means for enabling an auxiliary information display function of [an apparatus having an emergency alert function], which had previously been disabled by a user through a setup process, responsive to said emergency alert signals,"

as described in previously amended claim 1. It is also respectfully argued that Examiner has used hindsight to arrive at the determination of obviousness, impermissibly using the claimed invention as an instruction manual or template to piece together the teachings of the five cited references, and that the references fail to provide motivation for their combination.

Among the problems addressed by the present invention is the inability to alert a user of an impending emergency event when a device containing an emergency alert function is misconfigured. For instance, a user may not receive emergency alerts if the auxiliary information display function associated with a set top box containing emergency alert functionality is disabled. To address these problems, the present application discloses an apparatus with tuning means for tuning signals including emergency alert signals associated with an emergency alert function and processing means for enabling an auxiliary information display function of said apparatus, which had previously been disabled by a user through a setup process, responsive to said emergency alert signals. Thus, even if the

user has disabled an auxiliary information display function, the system may reenable it to provide the emergency alert.

In contrast, Kendall merely teaches a system where "a television signal receiver receives and stores updated information associated with an emergency alert function, such as geographical area information and/or transmission frequency information. According to an exemplary embodiment, the television signal receiver includes a tuner operative to tune a frequency including emergency alert signals indicating an emergency event, and a memory operative to receive and store updated information associated with the emergency alert function." (Kendall Abstract) The Office Action admits that Kendall fails to disclose the use of enabling a disabled apparatus. (Office Action, page 2) Therefore, Kendall also fails to disclose "means for enabling an auxiliary information display function of [an apparatus having an emergency alert function], which had previously been disabled by a user through a setup process, responsive to said emergency alert signals," as described in previously amended claim 1.

Ganzer teaches "a geographically specific emergency alert system includes a code generator unit in which geographic areas to be alerted and types of severity of alerts are selected and code strings generated to represent the affected areas and alert types selected. The code strings are broadcast by modulating the audio carrier of a television signal and received on receiver units positioned in areas within the broadcast market of a television station providing the alerting service. Location codes or entered into the receiver units by the users according to the areas in which the receiver units are used. When an alert is broadcast, each receiver unit decodes a location code string in the signal. If it matches that set on the receiver, an alert code string is decoded to activate a alarm devices connected to the receiver, such as an audible alarm generator, LED, etc., in accordance with the type or severity of alert that was broadcast." (Ganzer Abstract)

Ganzer makes no mention of enabling a display function which was previously disabled by a user. Therefore, Ganzer, like Kendall, fails to disclose "means for enabling an auxiliary information display function of [an apparatus having an emergency alert function], which had previously been disabled by a user through a setup process, responsive to said emergency alert signals," as described in previously amended claim 1.

Minagawa teaches "An identifier which indicates a reason why a direct change is disabled upon application of a specific conflict resolution rule can be described in a conflict resolution rule description file (301). In case of a process executed when a UI is not displayed, a status variable list (304) that holds setup values and status values is accessed in place of an internal structure (305) to easily check if each setup item is enabled/disabled. Upon matching overall data, a start point list which lists setup items in a given priority order is loaded to execute conflict resolution in turn, thus resolving conflicts among setup items." (Minagawa Abstract)

While Minagawa describes enabling and disabling printing setup items based on identification of conflicts between those items, it makes no mention of enabling a display function which was previously disabled by a user in response to an emergency alert signal, as is described in the present claims. Therefore, Minagawa, like Ganzer and Kendall, fails to disclose "means for enabling an auxiliary information display function of [an apparatus having an emergency alert function], which had previously been disabled by a user through a setup process, responsive to said emergency alert signals," as described in previously amended claim 1. Furthermore, Minagawa is clearly directed at the problem of setup conflicts in a printing system. Thus, there would be no motivation to combine its teachings with those in emergency alert art.

Duruoz also is not directed at the problems of emergency alert, or the difficulty of setup of emergency alert systems. Instead, Duruoz is directed at the problem of personal computers not being suitable for consumer video reception. (Duruoz, column 1, lines 47-52). To address this problem, Duruoz teaches a "single-chip application specific integrated circuit provides autonomous management of playback of digital video and audio. The chip includes a digital video decoder and output system, and a central processing unit controlling said digital video decoder and output system. The central processing unit receives commands to establish a current playback state for management of playback of digital video and audio by said digital video decoder and output system, and responds to a video field synchronization signal and a current playback state, without external instruction, to determine whether to display digital video, whether to decode digital video for display, whether to repeat display of previously decoded digital video, and whether to skip over digital video prior to decoding digital video for output. By delivering commands to the

central processing unit, the application specific integrated circuit can be caused to transition between playback states to provide desired playback..." (Duruoz Abstract)

Duruoz makes no mention of enabling a display function which was previously disabled by a user, or more specifically, re-enabling a previously user-disabled display function in response to an emergency alert signal. Therefore, Duruoz, like Minagawa, Ganzer, and Kendall, fails to disclose "means for enabling an auxiliary information display function of [an apparatus having an emergency alert function], which had previously been disabled by a user through a setup process, responsive to said emergency alert signals," as described in previously amended claim 1.

Kennedy also is not directed at the problems of emergency alert, or the difficulty of setup of emergency alert systems. Instead, Kennedy is directed at the problem of color calibration of LCD panels. Kennedy discloses a "presentation system uses a computer to store and transmit electronic images to a liquid crystal display (LCD) panel which rests on an overhead projector. The LCD panel includes a calibration circuit designed to correct discrepancies in the saturation levels of the three primary colors. The calibration circuit determines the digital values in a signal corresponding to a test pattern of maximum intensity for all three colors, and compares these values to predetermined theoretical values. The differences between these values are recorded as calibration constants and are used to correct the image signals transmitted from the computer. A remote control unit may be used to provide a stimulus to both the computer (to generate the test pattern) and the LCD panel (to execute the calibration process). (Kennedy Abstract)

Kennedy also makes no mention of enabling a display function which was previously disabled by a user, or more specifically, re-enabling a previously user-disabled display function in response to an emergency alert signal. Therefore, Kennedy, like Duruoz, Minagawa, Ganzer, and Kendall, fails to disclose "means for enabling an auxiliary information display function of [an apparatus having an emergency alert function], which had previously been disabled by a user through a setup process, responsive to said emergency alert signals," as described in previously amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Kendall, Ganzer,

Minagawa, Duruoz, or Kennedy, alone or in combination, that makes the present invention as claimed in claim 1 unpatentable. It is further submitted that previously amended independent claims 8 and 15 are allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-7, 9-14, and 16-21 are dependent from allowable independent claim 1, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

/brian j cromarty/

By: Brian J Cromarty
Reg. No. L0027
Phone (609) 734-6804

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
February 9, 2009